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*Attorneys for Defendant Crispin Porter & Bogusky LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF HARRY MCCLINTOCK,

07 CV 3359 (NRB)

Plaintiff,

**DEFENDANT'S  
INITIAL DISCLOSURES**

v.

CRISPIN PORTER & BOGUSKY,

Defendant.

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Defendants Crispin Porter & Bogusky LLC (“CPB” or “Defendant”), hereby submits the following initial disclosures to Plaintiff, The Estate of Harry McClintock (the “Estate” or “Plaintiff”):

A. The name and, if known, the address and telephone number of each individual likely to have information discoverable that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See list below. Defendants reserve their rights to supplement these responses in accordance with FRCP Rule 26(e).

Bill Meadows  
Crispin Porter & Bogusky, LLC  
3390 Mary Street  
Miami, FL 33133  
305-859-2070

Mr. Meadows has information concerning the creation and production of the commercial entitled "Fantasy Ranch" that is the subject of this action (the "Commercial"), in particular the creation of the music used therein.

Sara Gennett  
Crispin Porter & Bogusky, LLC  
3390 Mary Street  
Miami, FL 33133  
305-859-2070

Ms. Gennett has information concerning the creation and production of the Commercial, including the music used therein.

Eric Lear  
Crispin Porter & Bogusky, LLC  
3390 Mary Street  
Miami, FL 33133  
305-859-2070

Mr. Lear has information concerning the creation and production of the Commercial, including the music used therein.

Danielle Whalen  
Crispin Porter & Bogusky, LLC  
6450 Gunpark Road  
Boulder, CO 80301

Ms. Whelan has information concerning the creation and production of the Commercial, including the music used therein.

Alex Bogusky  
Crispin Porter & Bogusky, LLC  
6450 Gunpark Drive  
Boulder, CO 80301

Jennifer Reznick  
Formerly with Crispin Porter & Bogusky, LLC

Ms. Reznick has information concerning the creation and production of the Commercial, including the music used therein.

Mr. Bogusky was involved in the conception of the Commercial and has information concerning its creation and production.

Rob Reilly  
Crispin Porter & Bogusky, LLC  
6450 Gunpark Drive  
Boulder, CO 80301

Mr. Reilly was involved in the conception of the Commercial and has information concerning its creation and production

Andrew Keller  
Crispin Porter & Bogusky, LLC  
6450 Gunpark Drive  
Boulder, CO 80301

Mr. Keller was involved in the conception of the Commercial and has information concerning its creation and production.

David Rolfe  
Crispin Porter & Bogusky, LLC  
6450 Gunpark Drive  
Boulder, CO 80301

Mr. Rolfe was involved in the conception of the Commercial and has information concerning its creation and production.

Brian Gies  
Burger King Corporation  
5505 Blue Lagoon Drive  
Miami, FL 33126  
305-378-7601

Mr. Gies has information concerning the creation and production of the Commercial.

Andy Bonaparte  
Post Ads Group  
11990 Market Street, PH 1804  
Reston, VA 20190  
954-261-5857

Mr. Bonaparte may have information concerning the creation and production of the Commercial.

Claudia Lezcano  
Burger King Corporation  
5505 Blue Lagoon Drive  
Miami, FL 33126  
305-378-3389

Ms. Lezcano has information concerning the production of the Commercial.

Chris Furse  
Burger King Corporation  
5505 Blue Lagoon Drive  
Miami, FL 33126  
305-378-7743

Mr. Furse has information concerning the production of the Commercial.

Michael Fletcher  
Burger King Corporation  
5505 Blue Lagoon Drive  
Miami, FL 33126  
305-378-7735

Mr. Fletcher has information concerning the production of the Commercial.

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party may use to support its claims or defenses, unless solely for impeachment.

RESPONSE: See list below. Defendants reserve their rights to supplement these responses in accordance with FRCP Rule 26(e).

1. Correspondence, media plans, invoices and other documents relating to the creation and use of the Commercial.
2. The Commercial.
3. Documents relating to the existence of multiple versions of the song "The Big Rock Candy Mountain."
4. Copyright registrations and related documents relating to the song "The Big Rock Candy Mountain."

Such documents are either publicly available, or in the possession, custody or control of the Plaintiff and/or CPB and will be made available for inspection and copying once the parties have signed a mutually-agreeable confidentiality stipulation.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE: Not applicable.

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: Relevant portions of any appropriate insurance policy will be made available for inspection and copying once the parties have signed a mutually-agreeable confidentiality stipulation.

Dated: August 9, 2007  
New York, New York

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: \_\_\_\_\_

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